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Attorneys for Defendant
SPEEDWAY SONOMA, LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF,

Plaintiff,

v.

SPEEDWAY MOTORSPORTS, INC.,
SPEEDWAY SONOMA, LLC, COMPASS
GROUP USA, INC. doing business as
COMPASS GROUP FOODSERVICE,
INTERNATIONAL SPEEDWAY, INC.,
MOTORSPORTS AUTHENTICS, LLC;
And DOES 1 through 35, inclusive

Defendants.

CASE NO. CV-08-4229-VRW

**STIPULATION EXTENDING
TIME TO HOLD JOINT
CONFERENCE OF COUNSEL AND
MEDIATION; ~~PROPOSED~~ ORDER**

*(Related Case: D'Lil v. Speedway
Motorsports, Inc., et al., Case No. 08-
cv-04691)*

1 Plaintiff, RICHARD SKAFF and defendants, SPEEDWAY SONOMA, LLC,
 2 LEVY PREMIUM FOOD SERVICE LIMITED PARTNERSHIP, and
 3 MOTORSPORTS AUTHENTICS, INC., by and through their respective counsel,
 4 hereby jointly stipulate and request that the Court grant continuances of certain
 5 deadlines the parties are required to follow pursuant to General Order 56, based on the
 6 good cause shown below.¹

7 1. Plaintiff filed an action alleging barriers to access at Infineon Raceway, a
 8 1,600-acre facility in Sonoma, California, and seeking modifications to the facility and
 9 its services, as well as damages, attorney's fees and costs.

10 2. The Court's September 8, 2008, Scheduling Order required a joint site
 11 inspection take place by December 17, 2008. The parties stipulated to a continuance of
 12 the deadline for a joint inspection to February 20, 2009. The Court approved the
 13 stipulation on December 12, 2008, and ordered that all dates in the scheduling order that
 14 are dependent on the date of the joint inspection are amended accordingly.

15 3. On February 17, 18 and 19, 2009, plaintiff's counsel, two experts and
 16 their two assistants inspected the 1,600-acre facility. Counsel for Speedway Sonoma,
 17 LLC and its expert also attended the inspection.

18 4. Plaintiff and counsel for defendant Motorsports Authentics, Inc. have just
 19 confirmed April 17, 2009, as the first available date for the parties to inspect that
 20 defendant's tractor-trailers which plaintiff alleges are used at Infineon Raceway, and
 21 which plaintiff further alleges are not accessible and usable by persons with disabilities.
 22 The delay in scheduling this inspection is a result of the tractor-trailers being in distant
 23 parts of the country as well as scheduling conflicts among the parties' counsel.

24 5. General Order 56(4) requires that within 10 business days after the joint
 25 inspection, the parties, and their experts if the parties so elect, must meet in person and

26 ¹ Defendants Speedway Motorsports, Inc. and International Speedway, Inc. were dismissed from this action on
 27 November 13, 2008. Defendant Motorsports Authentics, Inc. was substituted for defendant Motorsports
 28 Authentics, LLC by the Court's order on December 23, 2008. A stipulation and proposed order substituting
 defendant Levy Premium Food Service Limited Partnership for defendant Compass Group USA, Inc. was filed
 with the Court on January 16, 2009, but has not yet been approved.

1 confer regarding settlement of the action. At that conference, plaintiff is to specify all
2 claimed premises violations and desired remediation. With respect to each claimed
3 violation, defendant is to specify whether it is willing to remediate and where
4 defendants agrees with plaintiff's proposed remediation or has an alternate proposal.
5 Defendant must also be in a position to specify a factual basis for any claim that
6 plaintiff's proposed remediation is not readily achievable.

7 6. Due to the size of the 1,600-acre facility, the scope of the inspection, and
8 the breadth of plaintiff's alleged premises violations, plaintiff's counsel anticipates that
9 it will take approximately six to eight weeks to prepare and analyze the data collected
10 from the inspection, craft a list of claimed premises violations, and determine proposed
11 remediations for all of these alleged violations as required by General Order 56.
12 Plaintiff intends to produce his list of alleged barriers and proposed remediation in
13 advance of any conference so that defendants will be prepared to respond to plaintiff's
14 list.

15 7. Accordingly, plaintiff and defendants seek the Court's approval to
16 conduct the meet and confer required by General Order 56 by Thursday, April 30, 2009,
17 instead of Monday, March 2, 2009, as currently required.

18 8. Further, General Order 56(6) requires plaintiff to file a "Notice of Need
19 for Mediation" within 45 days of the joint inspection if the parties are unable to reach an
20 agreement on remediation, or cannot settle the damages and fees claims. As the parties
21 will not be able to meet and confer within 45 days of the joint inspection of the facility,
22 much less conduct a meaningful mediation, the parties request that the 45 days within
23 which plaintiff may file a "Notice of Need for Mediation" begin Friday, May 1, 2009.

24 9. The parties have been working cooperatively and anticipate doing so in
25 the coming months. They are taking efforts to resolve most, if not all, claims without
26 the need for mediation or any assistance from the Court.

27 10. The parties request any order entered in this case regarding the
28 continuance of deadlines set out in General Order 56 and made applicable to this case

1 also be entered in the related case of *D'Lil v. Speedway Motorsports, Inc.* (Case No. 08-
2 cv-04691). Plaintiff HolLyn D'Lil so stipulates, as evidenced by her counsel's
3 signature below.

4 NOW, THEREFORE, the parties stipulate and request that the Court allows the
5 parties until Thursday, April 30, 2009, to conduct their conference as required by
6 General Order 56(4) and that the 45 days time within which the plaintiff must file a
7 "Notice of Need for Mediation" if settlement is not obtained begin Friday, May 1, 2009.

8 IT IS SO STIPULATED, effective February 27, 2009.

9 DATED: February 27, 2009

BARBOSA GROUP
GOODMAN & METZ

11
12 By: /s/ Patricia Barbosa
13 PATRICIA BARBOSA
14 JORDON METZ
15 MARGARET BYRNE IKEDA
Attorneys for Plaintiff
RICHARD SKAFF

16 DATED: February 27, 2009

BARBOSA GROUP
GOODMAN & METZ

18
19 By: /s/ Patricia Barbosa
20 PATRICIA BARBOSA
21 JORDON METZ
22 MARGARET BYRNE IKEDA
Attorneys for Plaintiff
HOLLYN D'LIL

23 DATED: February 27, 2009

GREENBERG TRAURIG, LLP

24
25 By: /s/ Marc B. Koenigsberg
26 KATHLEEN E. FINNERTY
27 MARC B. KOENIGSBERG
28 Attorney for Defendant
SPEEDWAY SONOMA, LLC

1 DATED: February 27, 2009

JACKSON LEWIS LLP

2
3 By: /s/ Jamerson C. Allen

JAMERSON C. ALLEN

4 Attorney for Defendant
5 MOTORSPORTS AUTHENTICS, INC.

6 DATED: February 27, 2009

LITTLER MENDELSON

7
8 By: /s/ John M. Julius

9 JOHN M. JULIUS

10 Attorney for Defendant
11 LEVY PREMIUM FOOD SERVICE
12 LIMITED PARTNERSHIP

13 **ORDER**

14 Good cause appearing, the parties are allowed until Thursday, April 30, 2009, to
15 conduct their conference as required by General Order 56(4) and the 45 days time
16 within which the plaintiff must file a "Notice of Need for Mediation" if settlement is not
17 obtained begins Friday, May 1, 2009. This Order shall also be entered in the related
18 case of *D'Lil v. Speedway Motorsports, Inc.* (Case No. 08-cv-04691)

19 IT IS SO ORDERED.

20 Dated: 3/4/2009

21
22 SAC 441,390,823v1 2-26-09

